

Exhibit 5

1 UNITED STATES DISTRICT COURT

2 FOR THE NORTHERN DISTRICT OF OHIO

3 EASTERN DIVISION

4 - - -

5 IN RE: NATIONAL PRESCRIPTION

6 OPIATE LITIGATION Case No.

7 1:17-MD-2804

8 APPLIES TO ALL CASES Hon. Dan A.

9 Polster

10 Case No. 1:17-MD-2804

11 - - -

12 January 17, 2019

13 HIGHLY CONFIDENTIAL - SUBJECT TO FURTHER

14 CONFIDENTIALITY REVIEW

15 Videotaped deposition of

16 DOUGLAS BOOTHE, held at 250 Hudson Street,

17 New York, New York, commencing at 9:00 a.m.,

18 on the above date, before Marie Foley, a

19 Registered Merit Reporter, Certified

20 Realtime Reporter and Notary Public.

21 - - -

22 GOLKOW LITIGATION SERVICES

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1 form; argumentative; asked and
2 answered.

3 A. Again, a financial evaluation
4 could be some set of potential revenues,
5 costs, some sort of a P&L, some sort of an
6 MPV. There's all sorts of different
7 models. They could be product specific.
8 They could be class specific. They could
9 be region specific. I don't know what --
10 inputs could be GDP growth. There's all
11 sorts of things that could go into a
12 financial evaluation. It could be some
13 sort of a model. There could be scenarios
14 on it.

15 But I -- you asked me
16 specifically about what Ms. McCormick, and
17 I just asked if you could show me an
18 example, I could comment on it.

19 Q. Did you review marketing
20 forecasts for pipeline products?

21 MS. WELCH: Objection to form.

22 A. Yes.

23 Q. Did you review sales projections
24 for products, including opioids?

1 MS. WELCH: Objection to form.

2 A. Yes.

3 Q. You reviewed annual budget and
4 three-year plan processes?

5 A. Yes.

6 Q. Did you have to approve
7 marketing expenses?

8 MS. WELCH: Objection to form.

9 A. No. I mean, certainly to a
10 certain level of authorization. So
11 certainly we had a delegation of
12 authority. We had an authorization
13 process. Certain levels of expenses could
14 be approved depending on your -- your --
15 your authority level, at a director level
16 or at a manager level, at a VP level or at
17 a senior VP level and ultimately to me.

18 So, depending on the amount of
19 the expense, either my team would do them
20 or I would do them.

21 Q. Are you aware of what marketing
22 tools were used by Actavis to drive sales
23 of its generic drugs, including opioids,
24 while you were at the company?

1 MS. WELCH: Objection to form.

2 A. What do you mean by marketing
3 tools?

4 Q. Do you have a general
5 understanding of what a marketing tool is?

6 A. I'd be happy if you provided
7 some, I could comment if I thought that
8 was a marketing tool or not.

9 I mean, generic drugs generally
10 don't do a lot of marketing.

11 Q. Actavis did have a generics
12 marketing department; did it not?

13 A. Yes.

14 Q. And, did that department have
15 work to do?

16 A. Yes.

17 Q. And, what are the marketing
18 mechanisms that the company used to market
19 its generic drugs?

20 MS. WELCH: Objection to form.

21 A. Again, the marketing department
22 predominantly did forecasting. So, the
23 marketing team, as Ms. McCormick led,
24 would look at the marketing information

1 provided by third parties such as IMS,
2 look at script datas, and then would look
3 at -- that would help to inform from a
4 trend perspective what the available
5 scripts would be.

6 The marketing team also was
7 involved in prelaunch activities. So the
8 extent of which when we were putting a
9 product to market, we would have to make
10 certain that it was registered and that we
11 had labeling for it, that we actually
12 participated in trade events, that we
13 sometimes we would put an advertisement,
14 or form of an announcement. Really not
15 advertisement. Announcement that products
16 were available. We had a product catalog
17 that was available in both hard copy and
18 electronic.

19 But the bulk of the marketing
20 team, and I'm using quotes for marketing
21 'cause most of the activity that the
22 marketing activity does in a generic drug,
23 it's not unique to Actavis, is mostly
24 product forecasting and then working very